

UNDERWOOD LAW FIRM, P.C.  
Thomas C. Riney, SBN: 16935100  
W. Heath Hendricks, SBN: 240556451  
500 South Taylor, Suite 1200, LB 233  
Amarillo, Texas 79101  
Telephone: (806) 376-5613  
Facsimile: (806) 379-0316  
Email: [tom.riney@uwlaw.com](mailto:tom.riney@uwlaw.com)  
Email: [heath.hendricks@uwlaw.com](mailto:heath.hendricks@uwlaw.com)

-and-

Michael R. Johnson (*Pro Hac Vice*)  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1500  
Facsimile: (801) 532-7543  
Email: [mjohnson@rqn.com](mailto:mjohnson@rqn.com)

*Attorneys for Plaintiff Rabo AgriFinance LLC*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

<p>IN RE:</p> <p>McCLAIN FEED YARD, INC., McCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC.,</p> <p>Debtors.<sup>1</sup></p>	<p>Chapter 7</p> <p>CASE NO. 23-20084-rlj</p> <p>Jointly Administered</p>
<p>RABO AGRIFINANCE LLC,</p> <p><i>Plaintiff,</i></p> <p>v.</p>	<p><b>ADV. PROC. NO. 23-02005-rlj</b></p> <p><b>Honorable Robert L. Jones</b></p>

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<sup>1</sup> The Debtors in these jointly administered cases are: (1) McClain Feed Yard, Inc. (Case No. 23-20084); (2) McClain Farms, Inc. (Case No. 23-20885); and (3) 7M Cattle Feeders, Inc. (Case No. 23-20886). All three cases are being jointly administered under the case number for McClain Feed Yard, Inc.

ACEY LIVESTOCK, LLC et al.,  <i>Defendants.</i> <sup>2</sup>	
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**STIPULATION BETWEEN PLAINTIFF RABO AGRIFINANCE LLC AND DEFENDANTS ROBERT STEWART AND RACHEL CONWAY STEWART FOR (A) WITHDRAWAL OF DEFENDANTS’ DEALER TRUST CLAIMS, AND (B) DISMISSAL OF DEFENDANTS FROM THIS ACTION**

Plaintiff Rabo AgriFinance LLC (“**RAF**” or “**Plaintiff**”) and Defendants Robert Stewart and Rachel Conway Stewart (collectively, the “**Stewart Defendants**”), through their respective attorneys, hereby enter into this Stipulation providing for (a) the withdrawal by the Stewart

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<sup>2</sup> The Defendants named in the Complaint are ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N. TERRY DICKS; BARRETT’S LIVESTOCK INC.; DON RALPH BARRETT; BELLA ELEGANCE LLC; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DeJARNATT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO, JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINEY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANO; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWART; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON; CRAIG SUTTON; TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBUSKIRK; SUSAN VAN BUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDFORREST CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR. as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS’ CONSOLIDATED BANKRUPTCY ESTATE.

Defendants of the Stewart Dealer Trust Claims (as defined below), (b) the dismissal of the Stewart Defendants from this action based upon that withdrawal.

In support hereof, RAF and the Stewart Defendants stipulate and agree as follows:

1. On or about April 27, 2023, the Stewart Defendants filed a claim with the United States Department of Agriculture (the “**USDA**”) asserting a claim against McClain Feed Yard, Inc., McClain Farms, Inc, 7M Cattle Feeders, Inc. and/or Brian McClain (collectively, the “**McClain Debtors**”) in the amount of \$254,269.84, which claim (hereinafter, the “**Stewart Dealer Trust Claim**”) was asserted pursuant to the provisions of 7 U.S.C. § 217b (the “**Dealer Trust Statute**”).

2. The USDA has preliminarily determined that the Stewart Dealer Trust Claim is not a valid claim under the Dealer Trust Statute.

3. On November 27, 2023, RAF filed by the above-entitled adversary naming the Stewart Defendants as defendants, and seeking declaratory relief from the Court against the Stewart Defendants, including a declaration that (a) the Stewart Dealer Trust Claim is not valid and is not payable under the Dealer Trust Statute, (b) the Stewart Defendants are not entitled to any funds or payments as trust fund claimants or secured creditors under the Dealer Trust Statute, and (c) the Stewart Defendants’ claims against the McClain Debtors are, at most, general unsecured claims.

4. The Stewart Defendants hereby formally withdraw the Stewart Dealer Trust Claim, and hereby stipulate that (a) the Stewart Dealer Trust Claim is not valid and is not payable under the Dealer Trust Statute, (b) the Stewart Defendants are not entitled to any funds or payments as trust fund claimants or secured creditors under the Dealer Trust Statute, and (c) the Stewart Defendants’ claims against the McClain Debtors are, at most, general unsecured claims.

5. Based upon the forgoing withdrawal and stipulation by the Stewart Defendants, RAF hereby dismisses its claims in this adversary proceeding, as against the Stewart Defendants only, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), as incorporated in adversary proceedings by Federal Rule of Bankruptcy Procedure 7041.

DATED this 26<sup>th</sup> day of January, 2024..

UNDERWOOD LAW FIRM, P.C.  
Thomas C. Riney, SBN: 16935100  
W. Heath Hendricks, SBN: 240556451  
500 South Taylor, Suite 1200, LB 233  
Amarillo, Texas 79101  
Telephone: (806) 376-5613  
Facsimile: (806) 379-0316  
Email: tom.riney@uwlaw.com  
Email: heath.hendricks@uwlaw.com

-and-

Michael R. Johnson (Pro Hac Vice)  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1500  
Facsimile: (801) 532-7543  
Email: mjohnson@rqn.com

/s/ Michael R. Johnson

Michael R. Johnson  
*Attorneys for Rabo AgriFinance LLC*

LANE & COUNTRYMAN  
John R. Lane, Jr., SBN: 11879475  
Matthew J. Countryman, SBN: 24069540  
1045 Cheever Blvd., Suite 103  
San Antonio, Texas 78217  
Telephone: (210) 828-8900  
Facsimile: (210) 804-2339  
Email: johnlane@jrl-law.com  
Email: [mcountryman@jrl-law.com](mailto:mcountryman@jrl-law.com)

/s/ Matthew J. Countryman (w/permission)

Matthew J. Countryman  
*Attorneys for the Stewart Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2024, the foregoing document was filed with the Clerk of the Court using the CM/ECF system, which sent notice of electronic filing to all electronic filing users in this case.

/s/ Annette Sanchez